

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.

Counter-Defendant.

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.

Counter-Defendant.

**MOTION FOR TELECONFERENCE TO RESOLVE
MOTION FOR LEAVE TO AMEND**

Pursuant to Paragraphs 2, 8(g), and 9 of the Scheduling Order (D.I. 103, C.A. No. 22-1377; D.I. 92, C.A. No. 22-1378), Defendant Masimo Corporation respectfully moves to

schedule a teleconference to address Masimo's forthcoming motion for leave to amend its answer and counterclaims to supplement the existing inequitable-conduct allegations in case 22-1377 and the existing fraud allegations in case 22-1378 with inequitable-conduct and fraud allegations for U.S. Design Patent No. D735,131. The parties agree that Masimo's request should not impact the upcoming June 15, 2023, hearing regarding Apple Inc.'s pending motions to dismiss and strike (C.A. 22-1377, D.I. 54; C.A. No. 22-1378, D.I. 39).

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on the following date:

June 13, 2023

Delaware Counsel:

For Masimo: John C. Phillips, Jr.

For Apple: David E. Moore

Lead Counsel:

For Masimo: Adam B. Powell, Mark Lezama (*pro hac vice* application forthcoming)

For Apple: Jordan N. Malz, Mark A. Ford

The parties are available for a teleconference on the following dates: June 21, 2023, June 22, 2023, or June 23, 2023.

Dated: June 13, 2023

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